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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3669 OF 2007

Vijay Devji Bhai Kakkad .. Applicant

V/s

State of Maharashtra .. Respondent

Ms.Anamika Malhotra (appointed) for the applicant.

Mrs.M.M. Deshmukh, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 19TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. By this application made by the applicant from jail, the applicant prays for reduction of bail amount from Rs.15,000/- to Rs.10,000/- on the ground that he is unable to arrange for the surety in the sum of Rs.15,000/- as he is very poor.

3. The applicant was tried for the offence punishable under section 302 of the I.P.C. by the

Sessions Court, Mumbai and was acquitted. However, the appeal filed by the State has been admitted and it was directed that the applicant be dealt with as per section 390 of the Cr.P.C. Thereafter, the applicant was arrested. On an application made to the Sessions Court for bail, it fixed the bail amount at Rs.15,000/-.

4. Taking into consideration the financial condition of the applicant and also the fact that the applicant has already been acquitted by the Sessions Court and also taking into consideration the fact that it is only on account of the applicant's inability to furnish the bail amount of Rs.15,000/-, in my view, the applicant is entitled to reduction of bail amount from Rs.15,000/- to Rs.10,000/-. In the circumstances, I pass the following order:

ORDER

(a) The application is allowed. The amount of bail is reduced from Rs.15,000/- to Rs.10,000/-. All other conditions imposed by the Sessions Court shall remain the same.

(b) The application is disposed of.

(D.G. KARNIK, J.)